

AT A PUBLIC MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON THURSDAY, JULY
12, 2007.

Board Members Present:

John F. Coates, Chairman
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m. and welcomed everyone to the public meeting.

APPROVAL OF AGENDA

Mr. Bossio asked the Board to consider amending the agenda to add: **CLOSED SESSION** under *Virginia Code* §2.2-3711(A)(7) & (A)(30).

Mr. Nixon moved, seconded by Mr. Rosenberger, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes – Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC MEETING – PROPOSED BOUNDARY ADJUSTMENT AREAS

Mr. Coates announced that this was a public meeting and not a public hearing. He said pursuant to the *Code of Virginia*, the Board scheduled the meeting to hear citizens' comments concerning the Town's proposed boundary adjustment, as part of the agreement that would create a Regional County and Town Water and Sewer Authority.

Mr. Coates reviewed with the audience the Rules of Order that would be followed during the public comment period.

Mr. Coates recognized Edd Scott, State Delegate, Barbara Taylor representing Congressman Cantor's office, Mayor of the Town of Culpeper and members of the Town Council, who were in attendance.

Mr. Bossio stated that the Town requested that the Board have this discussion and that it

be structured in the framework that was discussed in terms of the water and sewer authority and why the Town had requested a boundary line adjustment. The framework discussed for the Town's proposal to exchange for the boundary line adjustment would be:

- 1) To transfer the Town and County employees to the Authority. All the Town/County employees would have first priority to work for the Authority;
- 2) During the transition period, there would be an operating agreement between the Authority and the Town pursuant to which the Authority would operate and maintain the Town's water and wastewater facilities and assets as part of the regional water and sewer system;
- 3) At a date certain, prior to the Authority commencing the operation and maintenance of the Town's facilities, the Town and County would begin escrowing and segregating all newly collected availability and connections fees for water and wastewater and escrow and segregate approximately \$20 million in water and wastewater availability and connections fees previously collected in the Town's Enterprise Fund;
- 4) The existing 600,000 gallons per day Water and Sewer Agreement dated June 3, 2003 between the Town and County would remain in place until it was either superceded by another agreement or the Authority was fully established and functioning; and
- 5) At a date certain, it would be contemplated to set a referendum to ask the Town citizens to turn over the Town's water and sewer assets to the Authority, but the Authority would continue to operate and maintain the Town's facility in the future.

Mr. Bossio asked Mr. Howard to brief the Board and members of the audience on a Water and Sewer Authority.

Mr. Howard informed those present that the water and sewer authorities were created under the Water and Sewer Authority Act in the *Code of Virginia*. The purpose of the water and sewer authorities was to provide water and sewer services to the jurisdictions and service areas that they served and operated as a nonprivate, public entity whose sole focus was water and sewer. He said that an authority board, comprised of at least five members appointed by the governing body to serve a term not to exceed four (4) years, governed the Authority. The Authority was independent and had the ability to purchase, lease, construct as well as operate water and sewer systems. They had the power to exercise eminent domain for water and sewer lines to serve the needs of the customers they were serving. The Authority may fix, charge and collect rates and fees, and conduct a public hearing before the fees were adopted, and they were required to operate from their revenues. The Authority had the ability to issue revenue bonds and

borrow money, contract for services and establish their services charges.

Mr. Howard stated that authorities were approved in the Commonwealth and there were numerous authorities now operating in Virginia, including the one established by the Board of Supervisors.

Mr. Egertson described the proposed boundary line adjustment and displayed the proposed boundary line adjustment for the audience's viewing. He said that the boundary adjustment areas that had been identified for consideration were varied in terms of their land use and in terms of their current state of development. He said the proposed boundary line adjustment would begin at the northern tip of the Town on the east side of Route 229, an area that ran along Route 694, which was Ira Hoffman Lane and included the Northridge residential development. It also included the High School and Middle School complex as well as a large area of vacant residentially zoned property. It followed Route 694 further down toward Routes 15/29, Wal-Mart and Dominion Square, the area encompassed the Madison Grove Subdivision, Lowe's Store and the Centre at Culpeper Shopping Center, and across Route 15/29, the area that included the Culpeper Colonnade Shopping Center where the Target Store was located. He further said there was a substantial area encompassing both sides of Route 15/29 business, continuing out to the interchange at Inlet. He said the whole area described, which was north and east of the existing Town limits, made up the largest contiguous area.

Mr. Egertson said that the second area would run closely along the eastern Town border south of the railroad down to Route 3. This area was west of Nalles Mill Road, Keyser Road and McDevitt Drive, with the exception of the Town's sewage treatment plant and public works facility on the east side of Nalles Mill Road. There were several parcels by Route 3, a portion of the S.W.I.F.T. property, which was not in Town, but was identified, as well as two parcels that were bounded by the Town limits, Route 3 and Route 15 and 29. Mr. Egertson said the final area was on the southwest edge of Town, which was bounded by Route 29, Lake Pelham, and the Town's corporate limits.

Mr. Coates opened the public comment period.

The following people spoke in opposition to the Town's proposed boundary line adjustment:

Mr. George Bryson

Mrs. Norma Dunwody

Mr. Edd Scott

Mr. Bob Kenefick

Mr. Paul Bates
Ms. Laura Rogers
Mr. Richard Vento
Mr. Milton Keller
Ms. Cindy Thornton
Mr. Power O'Bannon

The following individual spoke in favor of the Town's proposed boundary line adjustment.

Mr. John Cerio

With no further public comments, Mr. Coates closed the public comment period at 7:44 p.m.

Mr. Chase, Supervisor representing the Stevensburg District, spoke at length regarding his opposition to a boundary line adjustment. He disagreed with Mr. O'Bannon's statement that the Town was holding the County hostage. He elaborated that he felt a Water and Sewer Authority was good for the community and the County was moving forward and building water and sewer plants whether or not the Town joined the County. He said the County developed the Comprehensive Plan keeping in mind the areas where industrial and commercial development should be. The Town had plenty of commercial and industrial property at one time, but they chose to build houses, which had an affect the school system, and placed a financial burden on the County to construct new schools. He said that this discussion started ten (10) years ago, and he suggested to the Town at that time to enact a land use ordinance to protect the farming operations in the Stevensburg District, but the Town ignored the suggestion. He reiterated that he would not vote for a boundary line adjustment.

Mrs. Hansohn thanked those in attendance for their comments that were important for an issue of this magnitude. Mr. Coates, on behalf of the Board, also thanked those in attendance for their participation and felt the comments were an important part of the decision making process for the Board and Town Council. See attachment A for verbatim transcribe of staff and public comments.

Mr. Coates called for a recess at 7:50 p.m.

Mr. Coates called the meeting back to order at 8:05 p.m.

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(7) & (A)(30), for discussion with legal counsel and Staff to discuss probable litigation, and entering into contracts with both

private and public parties for participation in litigation by the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Seconded by Mr. Rosenberger.

Mr. Coates called for voice vote.

Ayes – Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

The Board entered into closed session at 8:07 p.m. The Board returned to open session at 8:33 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Chase, Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

Mrs. Hansohn moved to adjourn the meeting at 8:35 p.m.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: September 4, 2007

